

**U.S. District Court
District of Oregon (Portland (3))
CIVIL DOCKET FOR CASE #: 3:12-cv-01451-SI**

Herer v. Ah Ha Publishing, LLC et al
Assigned to: Judge Michael H. Simon
Cause: 17:504 Copyright Infringement

Date Filed: 08/10/2012
Date Terminated: 02/25/2013
Jury Demand: Plaintiff
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

Plaintiff

Mark Herer
*Personal Representative of the Estate of Jack
Herer*

represented by **Scott Talmage Cliff**
Law Office of Scott T. Cliff
5550 SW Macadam Avenue
Suite 220
Portland, OR 97239
(503) 922-2071
Fax: (503) 419-6307
Email: scott@sciffclaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Leonard D DuBoff
The DuBoff Law Group, LLC
6665 SW Hampton Street
Suite 200
Portland, OR 97223-8357
(503) 968-8111
Fax: (503) 968-7228
Email: lduboff@dubofflaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

Ah Ha Publishing, LLC
a Texas limited liability company

represented by **Robert A. Swider**
Swider Medeiros Haver LLP
621 S.W. Morrison Street
1410 American Bank Building
Portland, OR 97205
(503) 241-9577
Fax: (503) 273-8842
Email: robert@smhllaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Michael Kleinman

represented by **Robert A. Swider**
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
08/10/2012	<u>1</u>	Complaint. Filing fee in the amount of \$350 collected. Agency Tracking ID: 0979-2994416 Jury Trial Requested: Yes. Filed by Mark Herer against All Defendants. (DuBoff, Leonard) (Additional attachment(s) added on 8/10/2012: # <u>1</u> Civil Cover Sheet) (sm). (Entered: 08/10/2012)
08/10/2012	<u>2</u>	Notice of Case Assignment to Judge Michael H. Simon and Discovery and Pretrial Scheduling Order. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. Discovery is to be completed by 12/10/2012. Joint Alternate Dispute Resolution Report is due by 1/7/2013. Pretrial Order is due by 1/7/2013. Ordered by Judge Michael H. Simon. (sm) (Entered: 08/10/2012)
08/10/2012	<u>3</u>	Copyright Report: This report is being submitted pursuant to Title 17 Sec. 508(a) which states: Within one month after the filing of any action under this title, the clerks of the courts of the United States shall send written notification to the Register of Copyrights setting forth, as far as is shown by the papers filed in the court, the names and addresses of the parties and the title, author, and registration number of each work involved in the action. (sm) (Entered: 08/10/2012)
08/15/2012	<u>4</u>	Proposed Summons <i>Ah Ha Publishing, LLC</i> Filed by All Plaintiffs. (DuBoff, Leonard) (Entered: 08/15/2012)
08/15/2012	<u>5</u>	Proposed Summons <i>Michael Kleinman</i> Filed by All Plaintiffs. (DuBoff, Leonard) (Entered: 08/15/2012)
08/16/2012	<u>6</u>	Summons Issued Electronically as to Ah Ha Publishing, LLC. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. (sm) (Entered: 08/16/2012)
08/16/2012	<u>7</u>	Summons Issued Electronically as to Michael Kleinman. NOTICE: Counsel shall print and serve the summonses and all documents issued by the Clerk at the time of filing upon all named parties in accordance with Local Rule 3-5. (sm) (Entered: 08/16/2012)
09/10/2012	<u>8</u>	Affidavit of Service upon Ah Ha Publishing, LLC served on 9/4/2012 Filed by Mark Herer. (DuBoff, Leonard) (Entered: 09/10/2012)
09/24/2012	<u>9</u>	Motion to Dismiss for Lack of Jurisdiction . Oral Argument requested. Filed by All Defendants. (Swider, Robert) (Entered: 09/24/2012)
09/24/2012	<u>10</u>	Memorandum in Support . Filed by All Defendants. (Related document(s): Motion to Dismiss/Lack of Jurisdiction <u>9</u> .) (Swider, Robert) (Entered: 09/24/2012)
09/24/2012	<u>11</u>	Declaration of Michael Kleinman . Filed by All Defendants. (Related document(s): Motion to Dismiss/Lack of Jurisdiction <u>9</u> .) (Attachments: # <u>1</u> Exhibit Texas Complaint, # <u>2</u> Exhibit Notice of Removal) (Swider, Robert) (Entered: 09/24/2012)
09/25/2012	<u>12</u>	Notice of Association of Attorney Leonard D DuBoff, Scott Talmage Cliff for Mark Herer. Filed by All Plaintiffs (DuBoff, Leonard) (Entered: 09/25/2012)
09/25/2012	<u>13</u>	Certificate of Service by All Defendants of Motion to Dismiss for Lack of Jurisdiction <u>9</u> <i>Memorandum and Declaration</i> Filed by All Defendants. (Swider, Robert) (Entered: 09/25/2012)
10/03/2012	<u>14</u>	Acceptance/Acknowledgement of Service on Michael Kleinman served on 9/24/2012 Filed by All Plaintiffs. (DuBoff, Leonard) (Entered: 10/03/2012)

10/03/2012	<u>15</u>	Affidavit of Service on <i>Michael Kleinman</i> Filed by All Plaintiffs. (DuBoff, Leonard) (Entered: 10/03/2012)
10/03/2012	<u>16</u>	Motion for Extension of Time to File a Response/Reply to Motion to Dismiss for Lack of Jurisdiction <u>9</u> . Filed by All Plaintiffs. (DuBoff, Leonard) (Entered: 10/03/2012)
10/03/2012	<u>17</u>	Memorandum in Support . Filed by All Plaintiffs. (Related document(s): Motion for Extension of Time to File Response/Reply to a Motion <u>16</u> .) (DuBoff, Leonard) (Entered: 10/03/2012)
10/03/2012	<u>18</u>	ORDER – Granting Plaintiff's Motion for Extension of Time to File Response to Motion to Dismiss for Lack of Jurisdiction <u>16</u> . Response is due by 10/15/2012. Ordered by Judge Michael H. Simon. (mja) (Entered: 10/03/2012)
10/15/2012	<u>19</u>	Response to Motion to Dismiss for Lack of Jurisdiction <u>9</u> Oral Argument requested. Filed by All Plaintiffs. (DuBoff, Leonard) (Entered: 10/15/2012)
10/15/2012	<u>20</u>	Declaration of Leonard D. DuBoff . Filed by All Plaintiffs. (Related document(s): Response to Motion <u>19</u> .) (DuBoff, Leonard) (Entered: 10/15/2012)
10/15/2012	<u>21</u>	Declaration of Mark Herer . Filed by All Plaintiffs. (Related document(s): Response to Motion <u>19</u> .) (DuBoff, Leonard) (Entered: 10/15/2012)
10/29/2012	<u>22</u>	Reply to Motion to Dismiss for Lack of Jurisdiction <u>9</u> Oral Argument requested. Filed by All Defendants. (Attachments: # <u>1</u> Certificate of Service) (Swider, Robert) (Entered: 10/29/2012)
11/16/2012	<u>23</u>	Scheduling Order by Judge Michael H. Simon. Order – Setting Oral Argument on Defendants' Motion to Dismiss <u>9</u> for 1/17/2013 at 01:30PM in Portland, Courtroom 13B, before Judge Michael H. Simon. Ordered by Judge Michael H. Simon. (mja) (Entered: 11/16/2012)
01/08/2013	<u>24</u>	Scheduling Order by Judge Michael H. Simon. Order – Due to a conflict in the Court's schedule, the Court is resetting the TIME set for the Oral Argument Hearing from 1/17/2013 at 1:30PM to 1/17/2013 at 02:00PM in Portland, Courtroom 13B, before Judge Michael H. Simon. Ordered by Judge Michael H. Simon. (mja) (Entered: 01/08/2013)
01/17/2013	<u>25</u>	Notice: Order from the US District Court for the Western District of Texas, Austin Division. Signed 1/7/2013 by US District Judge Sam Sparks (mja) (Entered: 01/17/2013)
01/17/2013	<u>26</u>	MINUTES of Oral Argument Hearing: Order – Defendants' Motion to Dismiss for Lack of Jurisdiction <u>9</u> is taken under advisement this date. Leonard D. DuBoff present as counsel for plaintiff(s). Robert A. Swider present as counsel for defendant(s). Court Reporter: Dennis Apodaca. Judge Michael H. Simon presiding. (mja) (Entered: 01/17/2013)
02/25/2013	<u>27</u>	OPINION and ORDER – Defendants' motion to dismiss or transfer venue is GRANTED, in part, and DENIED, in part. <u>9</u> . Defendants' motion to transfer venue pursuant to the first-to-file rule is GRANTED; the motion is otherwise DENIED as moot. The Clerk of the Court is directed to transfer this action to the United States District Court for the Western District of Texas, Austin Division and to mail a copy of this Opinion and Order to that court, where the related cause is pending under Case No. A-12-CA-844-SS. Signed on 2/25/2013 by Judge Michael H. Simon. (mja) (Entered: 02/25/2013)